

2003 Report of The Indiana Supreme Court

Division of State Court Administration

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The Indiana Supreme Court Division of State Court Administration (the "Division") is an administrative office of the Chief Justice of Indiana. The Division assists the Chief Justice and the Indiana Supreme Court in the administration and management of Indiana's judicial system and its officers (I.C. 33-24-6-3). State statutes, Supreme Court rules and Supreme Court policies define the duties and authorities of the Division and its Executive Director.

1) Judicial Workload, Receipt and Expenditure of Funds

One core responsibility of the Division is the collection of statistical information concerning the operations of Indiana's courts and their offices. Pursuant to Indiana Code 33-24-6-3 and Indiana Supreme Court Administrative Rules 1 and 2, the Division collects and publishes information on the caseload and fiscal activities of all courts and probation offices throughout the state. This data is published annually in *The Indiana Judicial Service Report* and *The Indiana Probation Report*. This data provides the empirical basis for policy decisions by both the Indiana Supreme Court and the Indiana General Assembly, and also provides important management information for individual courts.

2) Weighted Caseload Measures and Caseload Redistribution Plans

Following a two-year study beginning in 1994 conducted by the Judicial Administration Committee of the Indiana Judicial Conference, the Division, and an independent consultant, Indiana developed a system for measuring trial court caseloads based on weighted

relative times for cases. This Weighted Caseload Measures System examines only new cases filed in trial courts. The measurements provide a projection of the average judicial time available in the state, any given district, county, or court, to handle the cases being filed during a given period of time. The weighted statistics provide the Indiana Supreme Court and the Indiana General Assembly with information necessary for allocation of judicial resources.

Trial courts also use these statistical measures to develop district and county caseload plans which seek to reduce disparity in caseloads and judicial resources so that all courts in a county fall within a 25% variance range of the average county caseload.

The Division worked with the Judicial Administration Committee of the Indiana Judicial Conference to conduct an update and validation in 2002 of the Weighted Caseload Measures System. Since the study was first conducted, the addition of new case type designations and procedural and substantive changes necessitated an update of the original study. The results of the update to the Weighted Caseload Measures were completed in the fall of 2002 and were approved by the Indiana Supreme Court.

The Division began collecting data under new case categories, and these new measures and case categories are reflected in this year's report.

3) Judicial Technology and Automation

In 1999, the Indiana Supreme Court established the Judicial Technological and Automation Committee ("JTAC") and appointed Supreme Court Justice Frank

Sullivan, Jr. as its chair. The Supreme Court asked Justice Sullivan and JTAC to develop a long-range strategy for technology and automation of Indiana's judicial system, including the funding and implementation of a judicial information case management system. The Supreme Court assigned the Division to assist JTAC in the performance of its duties.

Since its inception, JTAC has helped the Supreme Court move Indiana's judicial system into the modern age of technology. Through Justice Sullivan's leadership, the Supreme Court: (1) offered e-mail and Internet access to every Indiana trial court judge and clerk of court; (2) provided the trial court judges and clerks with free access to automated legal research through a contract with Lexis/Nexis; (3) provided free training on basic computer skills in a structured educational setting through a contract with Ivy Tech State College; (4) provided free, ongoing Lexis/Nexis training at the JTAC Training Center and at judicial education events; (5) provided surplus used computers to trial courts; and (6) through a partnership with Dell, Inc., provided discounts on new computers for all courts of record. In mid-2002, the Supreme Court embarked on the key project of this automation initiative, the development and deployment of a case management system for Indiana's courts and the connection of individual courts with each other and with users of court information such as the State Police, Department of Revenue, Family and Social Services Agency, Department of Correction, Bureau of Motor Vehicles, and the prosecuting attorneys system, ProsLink. The project is one of unprecedented complexity, breadth, and expense for the Indiana judiciary.

After reviewing 35 proposals from around the world, JTAC recommended to the Indiana Supreme Court the selection of Computer Associates International, Inc. ("CA") to provide Indiana with a 21st Century case management system ("CMS"). Following that decision, in mid-2002, the Division executed a contract with CA for the development and

deployment of the Indiana CMS and for the interface of the CMS with other agency systems. The Supreme Court announced a policy that will guide the deployment of the CMS. Under the policy, the CMS will be made available to any county wishing to install the CMS.

Seven stages for the CMS project were identified at the onset of the project: (1) Project Initiation and Planning; (2) Requirements Analysis; (3) CMS System Design; (4) CMS Modifications, Configuration, and Unit Testing; (5) System Integration Testing; (6) User Acceptance Testing; and (7) Implementation. The project entered Stage 4 in November 2003 and has since moved into Stage 5. With the implementation stage approaching, and a partnership already established with Marion County for a pilot implementation, JTAC began a selection process in early 2003 for additional counties in which to pilot the system. In addition to Marion County, Clay, Huntington, and Morgan Counties were selected for pilot implementations. Knox, Johnson, and White Counties were selected as alternates. The first pilot implementation began in Clay County in mid-2004. Marion County is expected to follow soon after.

Standardization of Indiana's Chronological Case Summary entries became a corollary project under the leadership of JTAC member and Court of Appeals Judge Paul Mathias and Senior Judge John Kellam. In another companion project, Supreme Court Justice Brent Dickson lead members of the Records Management Committee who were joined by representatives of the press, victim advocates, and numerous other organization to work on a policy of public access to and privacy of court records, including automated records that will be available through the CMS.

Through this automation project, the Indiana Supreme Court plans to provide all Indiana courts with technology that will: (1) allow Indiana trial courts and court clerks to manage their caseloads faster

and more cost-effectively; (2) provide users of Indiana court information with more timely, accurate, and comprehensive information; and (3) reduce the cost of trial court operations borne by the counties.

4) Legal Responsibilities

The Supreme Court and the Chief Justice assign the majority of the legal responsibilities of the Division. The Division legal staff serves as counsel to the Supreme Court in matters involving attorney discipline and requests for the appointment of special judges, special masters, and senior judges. In fiscal year 2003/2004, the Division legal staff assisted the Supreme Court in disposing of 85 disciplinary matters. As part of this disciplinary function, the Division staff conducts preliminary investigations of disciplinary grievances filed against members and staff of the Indiana Supreme Court Disciplinary Commission, attorneys who are serving as hearing officers in disciplinary cases, as well as requests for review of decisions by the Disciplinary Commission and the Indiana Commission on Judicial Qualifications.

Supreme Court rules governing the method of special judge selection call for the establishment of local rules for such selection and certification to the Supreme Court in certain unusual circumstances. The Division monitors local rules establishing plans for special judge selection and processes requests for the appointment of special judges by the Supreme Court. In fiscal year 2002-2003, the Division received 130 new requests for special judge appointments.

Various federal and state laws, rules and regulations, as well as U.S. Supreme Court decisions affect the administrative responsibilities of trial judges. Since 1996, a Division attorney provides advice and assistance to trial judges on employment law issues. This function also includes training for judges and their staff on a wide variety of issues such as Sexual Harassment Awareness, the Americans With Disabilities Act, the Family and Medical Leave Act, the Fair Labor

Standards Act, Effectively Disciplining and Terminating Problem Employees, Effective Use of Policies, Drug Testing, and Appropriate Business Conduct for Court Employees.

Since 2000, a Division legal staff member has served as staff counsel to the Board of Law Examiners. In addition, that Division attorney has been appointed by the Supreme Court to represent the interests of the Board of Law Examiners in appeal hearings brought by bar applicants who have been denied admission to practice law.

5) Rule Amendments and the Supreme Court Committee on Rules of Practice and Procedure

The Executive Director of the Division serves as Executive Secretary of the Indiana Supreme Court Committee on Rules of Practice and Procedure and assists the Committee and the Supreme Court in drafting and promulgating amendments to the Indiana Rules of Court.

The more notable rule amendments promulgated during 2003 include amendments to Administrative Rule 5 which establishes comprehensive standards for senior judges, amendments to the rules for admission and discipline of attorneys which provide for provisional and business counsel licenses, and a comprehensive revision of the Indiana Child Support Guidelines. The guidelines were developed by the Indiana Judicial Conference Committee on Domestic Relations after extensive study, research, and public hearings.

6) Judicial Qualifications / Nominating Commission

Pursuant to IC 33-2.1-7-3(a)(4), the Division provides legal and administrative staff support to the Indiana Commission on Judicial Qualifications and the Indiana Judicial Nominating Commission. The commissions are constitutional bodies comprised of the same members but fulfilling two distinct constitutional duties. The Qualifications Commission

investigates and prosecutes allegations of ethical misconduct by Indiana judges, judicial officers, and candidates for judicial office. The Commission staff is available to advise judges and others about the Code of Judicial Conduct, and the Commission periodically issues formal advisory opinions about judicial ethics. The Nominating Commission selects the Chief Justice of Indiana from among the five Justices, and it solicits and interviews candidates for vacancies on the Indiana Supreme Court, the Indiana Court of Appeals, and the Indiana Tax Court. The Nominating Commission also certifies former judges as Senior Judges.

During fiscal year 2003-2004, the Nominating Commission convened for five meetings. It certified five new Senior Judges, re-certified ninety-one Senior Judges, and declined to certify one applicant for Senior Judge status. The Commission interviewed applicants for a vacancy on the Court of Appeals, and nominated three candidates for appointment by the Governor.

The Qualifications Commission convened for six meetings in the fiscal year 2003-2004. Of the 336 complaints on the Commission's docket, 295 were dismissed without Commission inquiry. Of those, Commission counsel conducted preliminary inquiries into 103 and, in seven, the Commission sent the judges advisory letters. Of the 336 complaints on the Commission's docket during the fiscal year, 41 were investigated or resulted in formal charges, or continued in investigation or on charges from the prior year. Thirteen were dismissed after the Commission concluded that no misconduct occurred and, in eight cases, the Commission issued private cautions. The Commission issued a Public Admonition of one judge during the fiscal year, and the Supreme Court resolved another Commission case when it suspended a judge for thirty days without pay. The Commission filed formal disciplinary charges against two judges, and one proceeded to an evidentiary hearing. The second case in which

charges were filed, and fourteen other complaints, were pending at the end of the fiscal year. Commission counsel responded to approximately 500 requests for advice from judges and judicial candidates.

A more detailed report about the Commission, its members, and activities is published separately in the Indiana Supreme Court Annual Report, and may be found at www.in.gov/judiciary.

7) Senior Judge Program

Since 1989, Indiana has been able to tap into an experienced pool of former judges to help alleviate the pressure of increasing caseloads. At first, the Indiana senior judge program has grown into an invaluable resource of seasoned judicial officers who serve at minimal cost to the state and no cost to the counties.

Enabling legislation provides that a former judge may apply to the Indiana Judicial Nominating Commission for certification as a senior judge under rules adopted by the Indiana Supreme Court. The legislation further provides that any trial court and the Indiana Court of Appeals may request the Indiana Supreme Court to appoint a senior judge to assist that court.

Pursuant to statute, senior judges who serve more than 30 days per year may be considered state employees for purposes of health insurance benefits. This incentive makes the \$50 per day service attractive to many former judges. In addition to the \$50 per diem, senior judges who serve more than 30 days per year are eligible for higher per diem compensation if funding is available. They are also reimbursed for mileage and certain reasonable expenses.

In 2003, Indiana had 96 certified senior judges who served a total of 5041 days. These days are equivalent to approximately 28 full-time judicial officers.

Also in 2003, the Indiana Supreme Court developed a comprehensive set of standards for the certification, service,

appointment and payment of senior judges. The new rule enables the Supreme Court to allocate senior judge time to the courts with the heaviest caseloads while still allowing all courts to have sufficient senior judge help (minimum of 10 days per year) to relieve trial judges during necessary absences from the bench.

The Division administers the senior judge program. This entails processing of certification applications and orders of certification, requests for appointments, weighted caseload comparisons, orders of appointments, administration of benefits, and processing of claims for payment of per diem expenses.

8) Appellate Court Automation and Technical Services

The Technical Services Section of the Division provides daily computer operations support to all appellate level courts and their adjunct agencies. Justices, judges, and staff now have available secure, remote access when traveling or at home. Also available are enhanced connections with other state agencies including the State Budget Agency, the State Auditor's Office, the Department of Personnel, and the Department of Administration.

Staff developed the new graphical user interface (GUI) for the Indiana Clerk of the Court's electronic case history system. Planning is currently under way to re-design the case management system in the Supreme Court, Court of Appeals, and Tax Court with a similar graphical interface. A prototype for e-mailing yearly attorney transcripts for continuing legal education was successful and attorneys will have that option available to them in 2004. Plans are also on the way for online credit card payment of attorney registration and disciplinary fees.

Upgrades to the infrastructure of the appellate level judiciary were completed. Network speeds were enhanced from 1.4 megabytes per second to 10 megabytes

per second, with top speeds of 1 gigabyte per second. All network hubs were replaced with network switches and more fiber optic cable was installed to accommodate the network expansion.

Wireless networking was also introduced, and court staff were equipped with wireless enabled laptops. While this project is still in its infancy, wireless connections in most meeting and conference room spaces are being planned. Several home wireless networks have also been installed.

9) Indiana Conference for Legal Education Opportunity (CLEO)

The Indiana Conference for Legal Education Opportunity (CLEO), created in 1997, is making a significant contribution to expanding the range of backgrounds among new Indiana lawyers. Through the collaborative efforts of Indiana's judiciary, business, legal communities and the four Indiana law schools, ICLEO helps increase the number of minority, low-income, and disadvantaged law students in Indiana.

In 2003, Indiana CLEO enrolled its seventh class of ICLEO fellows who attended the 2003 Summer Institute hosted by Indiana University School of Law – Indianapolis. The six-week Summer Institute continues to be the cornerstone of the Indiana CLEO program. The Summer Institute is structured to prepare the selected students for the rigors of law school education through concentrated class instruction and practical application. Additionally, the structure allows all participants an opportunity to begin creating a network among legal professionals and other students to assist them once law school begins in the fall.

This year, a summer employment program, Gateway to Diversity: A Summer Employment Program in the Indiana Legal Community, implemented several procedural changes to make it more user-friendly to potential summer employers. This program is co-sponsored by ICLEO

and the Indiana State Bar Association's Committee on Racial Diversity in the Legal Profession. It helps first and second year ICLEO fellows and other minority students come in contact with summer employment opportunities.

Since its inception, the ICLEO program has produced 97 graduates from all four Indiana Law schools. Of those, 67 were admitted to the Indiana bar and 12 more have been admitted to practice in eight other states. This year, 1998 ICLEO fellow, Eduardo Fontanez, Jr., a 2001 graduate of the Indiana University School of Law – Indianapolis, served as interim city judge for the East Chicago City Court in northwestern Indiana. He is the first ICLEO fellow to serve as a judicial officer. Other Indiana CLEO graduates have embarked on careers as deputy prosecutors, public defenders, deputy attorney generals, private practice attorneys, solo practitioners, corporate counsel, executive directors, judicial law clerks, and JAG officers. ICLEO is a small but significant step in assuring that the Indiana legal community truly reflects and serves all its residents.

10) Civil Legal Aid Fund

Since 1997, the Division has administered the distribution of an annual appropriation from the Indiana General Assembly of \$1 million to aid qualified organizations providing legal assistance to indigent persons in civil cases. In 2003, the Division made distributions to ten organizations providing civil legal aid services to Indiana's poor. Distributions are based upon an analysis of each county's civil caseload, as it relates to the civil caseload for the entire state, and the number of organizations serving each county.

The Division staff structured and instituted a data collection system whereby service providers collect and report their caseloads in a uniform manner. The ten qualified legal aid providers handled approximately 18,500 civil indigent cases in 2003. The vast majority of these cases involved "Family

Matters," i.e. divorce, separation, custody, visitation, paternity, termination of parental rights, and spousal abuse.

11) Court Improvement Grant

The Indiana Supreme Court, through its Court Improvement Executive Committee and with the benefit of federal funds, continued a Court Improvement Project. The gist of the project is to reduce the disposition time in cases involving abused and neglected children. The Division serves as the project director and fiscal administrator.

Although the purpose and overall framework of the project are set by the U.S. Department of Health and Human Services and the American Bar Association's Center on Children and the Law, the Supreme Court and the members of an executive committee have guided the direction of the Indiana program. During the initial phase of this multi-phased project, the executive committee identified several areas of particular concern, which were targeted in subsequent phases. In the second phase, eighteen county level programs aimed at expediting CHINS cases were implemented. During a third phase, efforts were focused on larger, more comprehensive improvements in the delivery of services to children in the more populous counties of Lake, Marion, Elkhart, and St. Joseph. In a fourth phase, funding was providing to assist in the design of two Family Court Pilot Projects. The projects, located in Putnam and Porter counties, use mediation/facilitation services in family court cases with CHINS involvement.

In 2002, a fifth phase funded eight counties that plan to replicate the successful programs in phase three. These include pre-hearing facilitation in CHINS cases, case manager services, and family court projects. These projects continued into early 2003, with several obtaining grant extensions through 2003 and into 2004. The executive committee also authorized \$50,000 per year for technology which would track cases

involving neglected and abused children. The Supreme Court anticipates that the innovative programs developed through this grant will markedly improve the delivery of services to Indiana's children.

12) Information Management

A primary function of the Information Management Section (Section) is assisting trial court clerks to comply with Administrative Rules and Trial Rule 77. Trial Rule 77 sets standards for case files, indexes chronological case summaries (CCS), and records of judgments and orders (RJO).

In 2003, the staff made 42 visits to 25 different counties. During the visits staff reviewed microfilming programs for compliance with Administrative Rule 6 and use of optical imaging for judicial records. A substantial project in Vigo County involved developing a management strategy which will result in the removal and conversion of approximately 225 tons of records from the courthouse attic.

Staff activities of the Section expanded from the traditional functions this year as the Supreme Court developed the structure for a statewide electronic case management system. The Section assisted JTAC throughout the year, including attendance at a number of technical discovery sessions; participation with the Judicial Administrative Committee; assistance to Judge Michael P. Barnes of the Court of Appeals, who led a subcommittee to coordinate recordkeeping terminology among courts, law enforcement agencies, and the Department of Correction; writing reports reviewing the forms and "even" documents (used in creating the CCS); and other technical assistance. Approximately 40% of Section staff time has been devoted to JTAC.

Section staff also responded to the needs and questions of the trial judges and clerks. The Section made presentations at the Association of Clerks of Circuit Courts of Indiana regional and annual meetings.

The Supreme Court's Records Management Committee, which the Section staffs, conducted a near year long project which culminated in a complete revision of Administrative Rule 9, concerning privacy and public access to court records.

13) Privacy and Public Access

In late 2002, the Indiana Supreme Court recognized that advancing technology, and especially initiatives related to the Internet, presented new challenges and opportunities for access to court records. The Court also recognized that the changing methods of access could be problematic as information that was previously accessible only from a particular courthouse could now be made available to anyone in the world who had access to the Internet. The Court placed responsibility for examining this situation with Justice Brent Dickson, who in turn convened a thirty-member task force to analyze and revise Administrative Rule 9.

Justice Dickson and the Public Access Task Force focused on Administrative Rule 9 for revision because it already contained some confidentiality and public access provisions, although it was not comprehensive. As the task force began its work, it became obvious that confidentiality restrictions on information from court records could be found throughout federal law, state law, and even other court rules. This fragmentation resulted in public access and confidentiality issues being difficult to understand and also resulted in differences in access throughout the state.

The Indiana public access statutes state that they encompass all records, including court records. However, the statutes also provide that the Supreme Court may, by rule, designate court records as confidential. In addition to the specific statutory authorization, the Task Force relied upon the Court's inherent constitutional authority and duties to craft a policy that covers not only case records but also administrative records of the judicial branch of government.

The task force began its work by using a model public access policy developed by the Conference of Chief Justices and the Conference of State Court Administrators. The framework provided by the model policy guided the task force as it began a nine-month process of regular bi-weekly meetings. During these meetings, the task force members modified and customized the sixty-page model policy to make it practical for Indiana practice.

The resulting Administrative Rule 9 proposal, which was adopted by the Indiana Supreme Court and which will take effect on January 1, 2005, consists of ten sections starting with an assumption that all court records are publicly accessible unless otherwise excluded from public access by the rule or by a particular court action. In addition, the new Administrative Rule 9 pulls together confidentiality provisions from other sources so that it can serve as a comprehensive source for judges, clerks, attorneys, and the general public who seek to access records of courts throughout Indiana.

14) Protection Order Proceedings

The Indiana protection order statutes charge the Division with the responsibility of designing and updating the forms used in protection order proceedings. To fulfill this duty, the Division works closely with the members of the Protection Order Committee of the Judicial Conference of Indiana.

The Supreme Court established the Protection Order Committee in 2000 to explore ways to improve the protection order process. Trial court judges, magistrates, and clerks of the circuit courts comprise the membership of the committee, and the Indiana Judicial Center and the Division provide staff support.

With significant input from the Protection Order Committee, the Indiana General Assembly enacted new legislation

which clarified the Indiana protection order process. This also required the design of new forms and modification of several existing forms.

During 2003, members of the committee directed their efforts in three main directions: 1) working with the Indiana General Assembly to enact modest, mainly technical, changes to existing protection order statutes; 2) designing new forms and modifying existing forms; and 3) developing a desk book on protection order procedures for clerks, magistrates, judges, and other users. The desk book will be completed in 2004.

15) Accounts Management, Payroll and Claims, Judicial Benefits Coordination

The Division maintains and administers 12 accounts, totaling approximately \$70,000,000. The administration of payroll and benefit program for all state trial court judges, prosecuting attorneys, and other judicial officials paid with state funds is part of this fiscal responsibility. The annual payroll account for this purpose is approximately \$56,000,000 and covers approximately seven hundred individuals. Also, as part of this "paymaster" function, the Division processes and pays in excess of 1,000 claims per year for special and senior judge service.

During 2003, Indiana State Personnel implemented a new self-help benefits enrollment process through PeopleSoft, an enterprise software package that provides human resources, accounting, and other management applications. For users who were not connected to the state's network, the Personnel Department deployed a web enabled data entry site intended to be accessible through the Internet. This move required that very participant in the state benefit system learn how to log on through the Internet, navigate through the PeopleSoft system, and make the data entry of benefit choices in the automated system, all during a designated period of time, about two weeks.

This process proved to be a challenge primarily because the technology solution was not robust enough to handle all of the web based entries and was not user friendly. Thus, during 2003, Division staff conducted numerous training sessions for judicial officers and prosecutors and assisted hundreds of users in using the self-help system. Because the judicial branch constituents are disbursed throughout the state and are not connected to the state computer network, the automated self-help system continues to be a challenge. Division staff continues to work with its constituents and State Personnel in an attempt to improve the process.

16) Indiana Office of GAL/CASA

In 1989, the Indiana General Assembly established an office of Guardian *Ad Litem* and Court Appointed Special Advocate (GAL/CASA) within the Division. This program encourages counties to provide appropriate GAL/CASA services to abused and neglected children by providing matching state funds for county GAL/CASA programs. In addition, the State Office of GAL/CASA ("State Office") provides training and support services for local GAL/CASA programs. The Indiana Supreme Court Advisory Commission on GAL/CASA ("Advisory Commission"), which includes program directors and judges appointed by the Indiana Supreme Court, provides guidance to the State Office.

In 2003, 78 counties applied for and received state GAL/CASA funds. 69 counties in Indiana funded a volunteer-based GAL/CASA program, staffed by 121 paid personnel and 5 volunteer staff members. GAL/CASA volunteers donated an estimated total of 741,753 hours in 2003. If GAL/CASA volunteers had been paid the rate of \$50.00 per hour (the rate commonly paid to non-volunteer appointed guardian ad litem), the volunteers contributed an estimated sum of \$37 million to the State of Indiana in 2003.

The 2003 GAL/CASA statistical reports, which reflect 97% of the GAL/CASA programs, indicate that in 2003 there were at least 2,022 active GAL/CASA volunteers statewide in 2002, including 446 newly trained volunteers. GAL/CASA volunteers represented 14,938 children involving 13,709 cases in 2003. Even so, there were 3,475 children still waiting for a GAL/CASA volunteer to be appointed to their cases at the end of 2003.

The State continues to receive grant funds from the National CASA Association and uses the funds to help defray the cost of a program coordinator. This grant enabled the State Office to establish CASA programs in counties where there were none and to provide enhanced support services to thriving programs. Funding from the grant has also made it possible to publish a quarterly newsletter and to conduct quarterly regional training for local program directors and staff.

On September 12, 2003, the State Office convened the annual meeting for CASA directors and staff, and on September 13, the State Office sponsored the Seventh Annual Indiana State GAL/CASA Conference. For the first time, the conference was opened and advertised to foster parents, child welfare caseworkers, and other child service providers. Over 450 individuals attended the annual CASA conference. Workshops at the conference included a foster children's panel, a judge's panel, a cultural diversity panel, sessions on helping children transition, successful adolescent adoptions, understanding poverty, and developing and maintaining a positive relationship between the GAL/CASA and the Office of Family and Children. The State Office also held a two-day new directors' training; conducted numerous other training sessions for CASA program directors, staff, and volunteers; and attended volunteer recognition ceremonies. Through a toll free hotline and a GAL/CASA listserv for directors, the State Office provides technical assistance

to multiple CASA programs across the State of Indiana and addresses inquiries from the public.

In 2002, the State Office and the Advisory Commission decided that it would be beneficial for Indiana CASA programs to support and participate in the National CASA Association's quality assurance initiative. Through this initiative, each GAL/CASA program undergoes a self-assessment for compliance with national standards. The self-assessment process is being rolled out in four parts between July 2003 and June 2005.

Henceforth, programs membership in National CASA will require compliance with national standards. Indiana weighed the pros and cons and determined that the benefits of the national membership far outweighed the negatives. In addition to providing highly professional guidelines, national membership benefits include the use of a comprehensive volunteer training manual and other resources, the use of COPMET (the electronic case management tool that tracks cases in which a CASA is appointed), grant funding, and assistance from a regional representative on programmatic issues. The State Office is strongly urging all programs to comply with national standards. However, for those programs that cannot immediately comply, the office requests that the programs meet Indiana's less stringent, minimal standards. The GAL/CASA Advisory Commission recently updated the Indiana program standards and Code of Ethics and made them more consistent with national standards. The Supreme Court and its State Office and Advisory Commission believe that the self-assessment tool and national quality assurance system will promote quality advocacy on behalf of children and greater consistency and professionalism in CASA programs across the State of Indiana.

17) Family Courts Project

The Indiana Family Court Project completed its fourth year of operation at the end of 2003 and began its fifth year in January 2004 with the selection of eight new counties. The project is supported and funded by the Indiana Legislature and is operated by the Indiana Supreme court through the Division. A task force, chaired by Court of Appeals Judge Margaret Robb, and a consultant provide advice and guidance to the Division and the participating counties.

The Indiana Family Court Project does not create new courts or judgeships; it provides assistance (of which state funding is only one element) to counties to implement operational and management models that coordinate families' multiple cases pending before multiple judges. The first participants in the project developed the "one judge-one family" and the "information sharing between multiple courts" models with a host of "best practices" and advice. These models continue to be very successful. They enable courts to make informed decisions, avoid inconsistent and conflicting orders, and eliminate redundant service delivery.

The Indiana Supreme Court also promulgated four special rules of procedure specifically designated for those courts that participate in the project. The rules address issues such as judicial notice of records in other family court cases involving members of the same family and requests for special judge appointments. Although only experimental, these rules help overcome jurisdictional and confidentiality roadblocks to resolving multiple cases together.

In addition to identifying families with multiple cases, the family courts provide programming, particularly on affordable mediation for low-income families. Specialized family-focused services for indigent and high-risk families, including service referral, direct services case management, truancy and delinquency prevention, family focused probation and

drug courts, protective order coordination, and services for families without legal representation are some of the family programming avenues.

The eight new family court county participants selected in 2003 for Phase III will receive \$398,000 over the next two years, and the prior nine family court counties will share \$124,000 to help them transition to local funding. By the end of Phase III, which occurs in December 2005, the counties will have received in excess of one million dollars for project development. While the family court seed grants are critical to project development, the project's long term plan calls for community funding.

An in depth report and evaluation of the first four years of the Indiana Family Court Project was published in January of 2004 and is available in hard copy through the Division or on the Supreme Court web site.

18) Public Defender Commission

The Division is responsible for providing staff support to the Indiana Public Defender Commission. The Commission sets standards for indigent defense services in non-capital cases and recommends standards to the Indiana Supreme Court for application in capital cases. It is comprised of 11 members: 3 members appointed by the Governor; 3 members appointed by the Chief Justice; 1 member appointed by the Indiana Criminal Justice Institute; 2 members of the House of Representatives appointed by the Speaker of the House; and 2 members of the Senate appointed by the President pro tempore of the Senate. In capital cases, counties receive reimbursements of 50% of eligible expenses. In other criminal cases, counties that meet certain standards and qualify, receive 40% reimbursement of indigent criminal defense costs. The intent of the Legislature and the court is to encourage counties to provide qualified indigent defense in criminal cases.

In 2003 appropriations to the public defense fund, which is nonreverting, totaled 7 million. At present, 53 counties have comprehensive plans approved by the Commission for delivery of indigent services. Over fifty percent of the state's population resides in counties eligible to receive reimbursements in non-capital cases under the program.

The whole commission meets periodically and reviews claims submitted by counties for eligibility and compliance with statewide standards. In 2003, the Commission dispersed \$6,029,926.16 for noncapital cases and \$478,221.29 for capital cases. An additional \$2,238,318.60 was approved for the fourth quarter of the fiscal year but had not yet been paid by the date of this report.

Also during the previous fiscal year, the Executive Director, pursuant to Criminal Rule (C)(1), adjusted the hourly rate paid in death penalty cases from \$90 to \$93 per hour. This was the first adjustment under the Supreme Court's amendments to Criminal Rule 24, which provide for adjustment of the hourly rate every two years.

19) Sharing Information Through the Internet and Traditional Publications

The Division publishes a newsletter, *The Indiana Court Times*, which serves as a communication link with the trial courts, their staff, the clerks of court, and all other entities involved in the courts' work. The Division JTAC staff also maintains the Indiana Supreme Court website for the appellate level courts and their adjunct offices. Additionally, court opinions, Rules of Court, rule amendments, downloadable forms, summary statistical reports, a self help center, Indiana CLEO applications, and advisory opinions issued by the Indiana Commission on Judicial Qualifications, are now available on the website. The most recent addition is a calculator for child support. Also, Indiana's attorneys can now view and track their continuing education courses (CLE) through the site. The Division endeavors to provide a communication

link between the appellate level courts, trial judges, their staffs, and the clerks of court.

20) Indiana Supreme Court Commission on Race and Gender Fairness

Sparked by concerns about race and gender fairness in Indiana's justice system, the Supreme Court, through an administrative rule, created the Commission on Race and Gender Fairness in 1999. Representatives of Indiana's judiciary, the practicing bar, academia, state and local governments, public organizations, and law enforcement and corrections comprise the Commission. Former Indiana Supreme Court Justice Myra Selby and Indiana Court of Appeals Judge Ezra Friedlander chair this Commission. The Executive Director and staff of the Division assist the Commission in the performance of its duties.

Initially, funding for the Commission's work came directly from the Supreme Court's budget. At the request of the Chief Justice, the Indiana General Assembly has twice appropriated distinct biennial budgets for the work of the Commission.

The Commission submitted its Executive Report and Recommendations to the Indiana Supreme Court on January 2, 2003. The Report is the culmination of three years of study and research on the part of the Commission. In its report, the Commission makes six general recommendations in five specific areas: Makeup of the Profession; Language and Cultural Barriers; Criminal and Juvenile Justice; Civil, Domestic and Family Law; and Employment.

As of the date of this report, the Supreme Court approved the majority of the recommendations, and asked the Commission to set priorities for implementing the recommendations. In particular, the Supreme Court already implemented the Commission's first recommendation, which is the

establishment of a foreign language certified court interpreter program in Indiana. The Commission continues work on implementing the remaining approved recommendations.

21) Certified Court Interpreter Program

As a part of the study of language and cultural barriers by the Indiana Supreme Court Commission on Race and Gender Fairness, the Commission made an interim recommendation to the Indiana Supreme Court to institute a certified court interpreter system for Indiana. In response, the Supreme Court authorized the Executive Director of the Division to join the National State Court Interpreter Certification Consortium through the National Center for State Courts and to implement an Indiana court interpreter testing system. At first, the program will be only for Spanish. The court also approved the concept for a code of ethics for interpreters and the concept for setting specific certification standards for interpreters. The Commission convened an Advisory Board to assist the court in developing these components.

The first group of prospective Spanish certification process in October 2003 with a two-day orientation session covering judicial procedure, protocol, courtroom decorum, the roles of the interpreter, ethical issues, terminology, and the skills and modes of interpreting. Participants also practiced consecutive, simultaneous, and sight interpreting skills and received feedback from the presenters.

Following the orientation session, the first group took the court interpreting written exam in November 2003. Only those participants who passed the written exam with a score of at least 70 percent were allowed to register for the third and fourth phases of the certification process.

The third phase, a skills building course, is a two-day Spanish interpreting course geared to build vocabulary and improve existing skills. An oral Spanish-language court interpreting proficiency examination is the fourth and final phase.

The oral exam lasts approximately one hour and covers various interpreting scenarios. Those participants who pass the oral exam with a score of at least 70 percent will be “certified” by the Supreme Court as a qualified interpreter.

The second class began the certification process in May 2004 with a two-day orientation.

22) Judicial District Business Meetings

During early 2004, in conjunction with the Indiana Judicial Center, the Division helped sponsor the biannual judicial district business for Judicial Districts 1, 2, 3, 5, 6, and 13. Meetings were held in Evansville, Merrillville, South Bend, Fort Wayne, and Marion with a total of 139 judicial officers attending. Judges received updates on pay issues, Court of Appeals report, recent legislation, and JTAC. These meetings provide a congenial forum for professional discussions of common issues.

23) Committee on Local Rules

At the request of the Supreme Court Committee on Rules of Practice and Procedure, the Supreme Court convened a special Local Rules Committee to examine the local court rules of Indiana’s courts and to recommend a model structure for such rules. The Division staffs the committee, which is chaired by the Honorable Margret Robb of the Indiana Court of Appeals. The Committee first compiled existing local rules into one place and conducted a review of the areas in which courts have local rules. During 2003, the Committee proposed and published for public comment an amendment to Trial Rule 81, which establishes a schedule and a naming convention for local court rules. The ultimate goal of the Committee is to bring uniformity to the local rule amendment process and to make sure that local rules are readily available to practitioners, litigants, and the public.

24) Indiana Project on Self-Represented Litigants

The Indiana Supreme Court’s Pro Se Project entered its third year of operation in 2003. The Indiana Supreme Court created this Advisory Committee in 2000 in response to the growing national phenomenon of people choosing to represent themselves without lawyers. The Supreme Court asked the Pro Se Advisory Committee to make recommendations to the Supreme Court on the issues of pro se litigation; to develop a comprehensive strategy for future pro se efforts; and to help trial courts respond to the growing numbers of self-represented litigants. The Committee consists of judges, community members, and other service providers.

The Pro Se Advisory Committee continues to update the Self-Service web site with valuable information for the self-represented. The site provides pleading forms for certain simple proceedings. The Committee is also exploring ways to encourage unbundled legal services that would enable litigants to retain lawyers only for limited parts of a particular case.